

REMARKS

Reconsideration of the application is respectfully requested in view of the following remarks.

The present invention concerns a food and process of making, which comprises an emulsion having a first phase of gelled edible surfactant and a second phase of gelled bio-polymer wherein the gelled bio-polymer phase includes triglyceride fat at a level of 5 weight % or less and a lipophilic flavor. It seems well accepted that consumers are unwilling to embrace low fat products which have inferior organoleptic properties. It is difficult to prepare very low triglyceride fat products wherein fat soluble lipophilic flavors are well perceived during ingestion. At extremely low triglyceride fat levels, the lipophilic flavors tend not to be well perceived, presumably due to the absence or minimal presence of the usual triglyceride fat carriers for such flavors.

The present invention was made possible by the discovery that very low fat foods comprising an emulsion can be provided with lipophilic flavor by incorporating the flavor into a gelled biopolymer phase. This facilitates control of flavor release in that flavor release will be strongly influenced by the melting characteristics of the biopolymer.

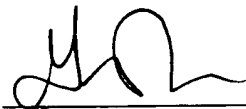
Singer et al, US Patent no. 5 202 146 discloses methods for delivery of fat soluble flavor components into non-fat and low fat food products in which fat components have been replaced by non-lipid fat substitutes. Singer et al disclose a flavor delivery system in which fat globules into which elevated levels of fat soluble

flavor compounds are said to have been "loaded" is incorporated into non-fat and low fat food products. The Office points to no teaching in Singer et al that the presently recited specific emulsions comprising mesomorphic phase of edible surfactant and a gelled biopolymer can be advantageously flavored by inclusion in the second phase (gelled biopolymer) of triglyceride fat at a level of 5 weight percent or less and a lipophilic flavor.

Heertje, teaches mesophases including gelled biopolymer which may include some flavor. However, the Office points to no teaching in Heertje as to the nature of the flavor incorporated into the product. It is submitted that the Office uses hindsight in its rejection since it is only with the teachings of the present invention that one would know the nature of the flavor which should be incorporated into the gelled biopolymer phase.

In view of the foregoing it is respectfully requested that the application, as amended, be allowed .

Respectfully submitted,



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